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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 005765

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KJUS](#) [ASEC](#) [TH](#)

SUBJECT: AMBASSADOR RAISES KEY ISSUES IN FAREWELL CALL ON
JUSTICE MINISTER

REF: A. BANGKOK 5696 (MEETING WITH ANUPONG)

[1](#)B. BANGKOK 5647 (DETAINEES FREED)

[1](#)C. BANGKOK 5619 (MARTIAL LAW LIFTED IN MANY AREAS)

[1](#)D. BANGKOK 4980 (NEW WAR ON DRUGS PANEL)

[1](#)E. 06 BANGKOK 7387 (CALL ON JUSTICE MINISTER)

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Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) The Ambassador expressed concern about the draft Internal Security Act in a November 9 farewell call on Justice Minister Charnchai Likhitjittha. The Ambassador encouraged fair treatment for residents of southern Thailand detained by the Army, conveyed concern for an intimidated Australian NGO official, expressed support for ongoing investigations into the 2003-2005 "war on drugs," and received an update on progress into the investigation of the disappearance of a prominent human rights lawyer. The Ambassador also congratulated Charnchai on recent abolishment of the RTG's reward system for money laundering investigators. End Summary.

INTERNAL SECURITY ACT

[1](#)2. (C) In his November 9 farewell call, the Ambassador raised with Justice Minister Charnchai Likhitjittha U.S. concern over the draft Internal Security Act (ISA), advancing through the legislature (septel). Charnchai conceded that, like the Ambassador, he had not seen the version that passed its first reading on November 8, but he understood that the most recent version was better than earlier drafts. Nevertheless, Charnchai believed that further improvements were necessary before final passage. The Ambassador suggested Charnchai and others in the RTG consider the ramifications of dramatically strengthening the Prime Minister's and the Army's authority in domestic affairs, given that one could not guarantee that the government would always be led by prudent and reasonable figures.

[1](#)3. (C) Justice Ministry Permanent Secretary Jaran Pukditanakul, who accompanied Charnchai at the meeting, said the RTG, while considering the ISA, might find it useful to examine the USG's Patriot Act. The Ambassador said the Patriot Act did not have legal effect comparable to our understanding of Thailand's draft ISA.

SITUATION IN THE SOUTH

14. (C) The Ambassador expressed his appreciation for the recent cabinet decision to lift martial law in many areas (ref C). The USG was concerned, however, about cases in which the military was preventing people suspected of ties to separatist groups in southern Thailand from returning to their homes, even though they were not charged with any crime; the Ambassador noted he had recently discussed this matter with Army Commander Anupong Paojinda (see refs A and B). Charnchai said he was familiar with the issue, and with the Prime Minister's support for the rescission of an Army order preventing these people from returning home. It was important to determine whether the suspected insurgents were voluntarily participating in the Army's vocational training programs (away from their home areas), Charnchai said. Charnchai confirmed the RTG had to remedy the situation so that those not charged with crimes could return to their homes, enjoying the same rights as all other Thais.

CONCERN FOR THREATENED NGO OFFICIAL

15. (C) The Ambassador noted that he had recently spoken with an Australian NGO official in Thailand, who had told him of threats from a seemingly authoritative figure seeking to deter her from traveling to the South. This news was troubling, the Ambassador said; if foreign NGO officials were being threatened, the environment for Thai NGO officials must be even more difficult. The Ambassador handed Charnchai a copy of the NGO official's Thai police report on the threat; Charnchai indicated he shared the Ambassador's concern and would look into the matter.

WAR ON DRUGS

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16. (C) The Ambassador welcomed the RTG's recent decision to establish a panel to probe extra-judicial killings during the 2003-2005 "war on drugs" (ref D). PermSec Jaran explained that the panel would conclude a first phase, with a broad scope, in December. The panel would then report to the administration, and explain further work, delving further into the details, that it could undertake. Given the upcoming elections, however, it would be up to the next government to determine whether the panel's work -- which might take approximately 10 months -- should continue, Jaran said. While it would be very difficult for the panel to build a case against wrongdoers in the government or security forces, this panel at least might be able to offer restitution to the families of the victims. The Ambassador agreed that helping the families would represent a very important step, and was "the right thing to do."

MISSING LAWYER

17. (C) The USG remained concerned about the case of missing (and presumed dead) human rights lawyer Somchai Neelaphaijit, the Ambassador said, citing the professional contact Embassy staff members had had with Somchai in past years. The Ambassador asked if there had been any new developments. Charnchai said he shared the widespread suspicion of police responsibility for Somchai's fate. The police officials most likely to have been involved had been transferred, so they would be less able to prevent people with important knowledge from speaking to investigators. Consequently, investigators had received further information, but they still lacked clear evidence against the suspected culprits; they also lacked evidence of Somchai's death. The investigation would continue, Charnchai said.

IMPROVED ANTI-MONEY LAUNDERING EFFORTS

¶8. (C) The Ambassador also expressed appreciation for the RTG's having abolished its previous reward system for officers involved in money laundering cases. This development helped to make the RTG's system more consistent with current international standards. Charnchai indicated he was pleased that the RTG had taken this step, as we had previously urged (ref E).

REGARDS TO RESIDENT LEGAL ADVISOR

¶9. (U) In addition to thanking the Ambassador for USG cooperation with the RTG during the Ambassador's tenure, Charnchai also expressed his appreciation for the work of former Resident Legal Advisor Brian Pearce, who had recently transferred back to the U.S.
BOYCE